

Edward W. Swanson SBN 159859
SWANSON, McNAMARA & HALLER LLP
300 Montgomery Street, Suite 1100
San Francisco, California 94104
Telephone: (415) 477-3800
Facsimile: (415) 477-9010

Attorney for NICHOLAS POPOALII

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS POPOALII,

Defendants.

CASE NO. CR 08-0118 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING SENTENCING
HEARING**

Date: August 26, 2009

Time: 2:30 pm

Court: Hon. Maxine M. Chesney

STIPULATION

Defendant Nicholas Popoalii, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Tarek J. Helou, hereby stipulate to continue the defendant's sentencing hearing, currently scheduled for August 26, 2009, until September 30, 2009.

The reason for the continuance is that, after the probation interview had been scheduled, Mr. Popoalii was moved from one institution to another. When counsel learned of the move, it was too late to schedule a contact visit. As a result, the probation interview did not go ahead on the day the probation officer and defense counsel had planned. In order to have the Presentence Report completed in sufficient time for the parties to be able to review it before the sentencing hearing, a continuance of the sentencing date is necessary.

\\

1 \ \ \

2 The parties therefore request that the sentencing in this case, currently scheduled for August 26,
3 2009, be continued until September 30, 2009. USPO Connie Cook has no objection to the continuance.

4
5 IT IS SO STIPULATED.

6
7 Dated: July 9, 2009

8 /s/
Edward W. Swanson
SWANSON, MCNAMARA & HALLER LLP
Counsel for NICHOLAS POPOALII

9
10
11 Dated: July 9, 2009

12 /s/
Tarek J. Helou
Assistant United States Attorney

13
14
15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: July 13, 2009

18 
MAXINE M. CHESNEY
United States District Court